

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHYANN MARIE DUPREE,

Defendant.

CR-13-45-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 29, 2017. (Doc. 55.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Judge Johnston conducted a revocation hearing on November 28, 2017. (Doc. 52.) Dupree admitted that she violated the conditions of her supervised release. Dupree violated the conditions of her supervised release by (1) failing to report for substance abuse treatment on September 21, 2017, and October 26, 2017; (2) failing to report

for substance abuse testing on September 29, 2017; (3) unlawfully possessing a controlled substance over the weekend prior to October 27, 2017; (4) using a controlled substance over the weekend prior to October 27, 2017; and (5) failing to make monthly payment toward her restitution since July 5, 2017. (Doc. 55 at 1-2.)

Dupree did not admit that she failed to participate in substance abuse testing on October 27, 2017. (Doc. 55 at 2.) The United States did not put on evidence regarding this allegation. *Id.* The violations prove serious and warrant revocation of Dupree's supervised release. Judge Johnston has recommended that the Court revoke Dupree's supervised release and commit Dupree to the custody of the Bureau of Prisons for six months. (Doc. 55 at 6.) Judge Johnston further has recommended that 24 months of supervised release follow her custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Dupree's violations of her conditions represent a serious breach of the Court's trust. The sentence imposed represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 55) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Shyann Marie Dupree be sentenced to custody for six months, followed by 24 months of supervised release.

DATED this 19th day of December, 2017.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris
United States District Court Judge